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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Esther H. CHANG et al.

Serial No.: PCT/US98/24657

Examiner: Not yet assigned

Filed: International Filing Date of  
19 November 1998

Group Art Unit: Not yet assigned

For: TARGETED LIPOSOME  
GENE DELIVERY

RECEIVED

23 AUG 2000

Legal Staff  
International Division

PETITION TO REVIVE  
UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is a petition under 37 C.F.R. § 1.137(b) to revive the unintentionally abandoned subject PCT patent application for purposes of establishing copendency to permit the filing of the U.S. national stage application under 35 U.S.C. § 371. This patent application was filed as PCT application PCT/US98/24657 on 19 November 1998 designating, among others, the United States. The PCT filing thus gives the international application the effect of being a national application (see 35 U.S.C. § 363) thereby allowing the PCT application to be treated as an unintentionally abandoned U.S. application. The application claimed priority from two U.S. provisional applications. These are U.S. Serial No. 60/066,188 filed 19 November 1997 and U.S. Serial No. 60/083,175 filed 27 April 1998. A PCT Chapter II Demand was filed on 17 June 1999 thereby extending the deadline for U.S. national stage filing until 19 May 2000. On 1 May 2000 instructions were sent to foreign associates to enter the national stage in the European Patent Office, Australia, Canada, Japan and China by the due date of 19 May 2000 or 19 June 2000. After notification of foreign associates, entry into the U.S. national stage was unintentionally omitted. It is hereby asserted that the entire delay in filing the necessary papers to begin the U.S. national stage of this PCT application until the lack of a U.S. national stage filing was noticed on 26 July 2000 was unintentional. On that date the process of preparing the necessary papers for prosecution of the U.S. national stage and the obtaining

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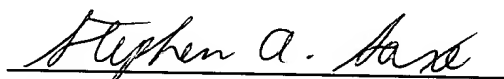
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of necessary signatures was begun. The filing of this petition and the accompanying papers was accomplished as rapidly as possible following the discovery on 26 July 2000 that the necessary papers for entering the U.S. national stage for this application had not been filed with the U.S. Patent and Trademark Office.

This petition is being filed concurrently with i) a Declaration and Power of Attorney signed by all inventors, ii) an Assignment from the inventors to Georgetown University, and iii) a small entity statement signed by the assignee. The necessary fees (\$40.00 for the recordation of the assignment, \$605.00 to pay for the petition fee as required under 37 C.F.R. § 1.17(m), a filing fee of \$1288.00 (basic fee of \$420.00, excess of 6 independent claims - \$234.00, excess of 60 total claims - \$540, presence of multiple dependent claims - \$130), and the fee for late submission of Declaration - \$65.00 are all to be charged to deposit account number 02-2135.

The Commissioner is authorized to charge any underpayment or credit any overpayment of fees required for this submission to Deposit Account No. 02-2135. A duplicate copy of this paper is provided for this purpose.

Respectfully submitted,



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Dated: 2 August 2000  
2444-101.137